

**Central Administrative Tribunal
Principal Bench**

OA No.1794/2015

New Delhi, this the 30th day of August, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Krishan Pal Singh, JE (E&M),
MES No.Ex-JC-179883H,
Aged about 51 years,
S/o Late Shri Randhir Singh,
R/o Vill & PO: Titauli,
Distt. Muzaffarnagar (U.P.), now Shamli.
2. Jagtar Singh, JE (E&M),
MES No.Ex-JC-331810H,
Aged about 49 years,
S/o Late Shri Pyara Singh,
R/o Vill & Post: Dalla, Tehsil Jagraon,
Distt. Ludhiana-142035.
3. Hari Narayan Neekhara, JE (B&R),
MES No. Ex-JC 186239A,
Aged about 49 years,
S/o Late Shri N.S. Neekhara,
R/o H.No.1521, Sudama Nagar,
D Sector, Indore, Madhya Pradesh.
4. Deshraj Malik, JE (E&M),
MES No.Ex-JC-179915A,
Aged about 49 years,
S/o Shri Jagmer Singh,
R/o H. no.39, Sailok, Phase-I,
GMS Road, Dehradun,
Uttrakhand.
5. Udayveer Singh, JE (E&M),
MES No.Ex-JC-179918N,
Aged about 48 years,
S/o Shri Pritam Singh,
R/o H.No.243/8, Purva Deen Dayal, Roorkee,
Distt. Haridwar,
Uttrakhand-247667.

6. Vasudevan E.I., JE (E&M),
MES No. Ex-JC-2195418,
Aged about 49 years,
S/o Shri Vasudevan Moosad,
R/o Devpuram, Payangadi,
Distt. Kannur, Kerala.
7. Jahangir Ahmad, JE (B&R),
MES No.Ex-JC-207608F,
Aged about 49 years,
S/o Late Shri Zarif Ahmad,
R/o Village Mohammad Pur,
Post Milap Nagar, Tehsil Roorkee,
Distt. Haridwar,
Uttrakhand-247667.
8. Raj Kumar, JE (E&M),
MES No. Ex-Army 1578496L,
Aged about 48 years,
S/o Late Shri Ram Dayal Rana,
R/o Village & Post Khudda,
Distt. Hoshiyar Pur, Punjab.
9. Taralkar Sanjay Hanamant, JE (E&M),
MES No. Ex-Army 1578860Y,
Aged about 49 years,
S/o Late Shri Hanamant Taralkar,
R/o Vill & Post Bhadle, Tehsil Koregaon,
Distt. Satara, Maharashtra.

...Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India,
Through Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Engineer in Chief,
E-in-C Branch,
Integrated HQ of MOD (Army),
Kashmir House, Rajaji Marg,
New Delhi-110011.
3. The Directorate General (Personal) E1B,
Engineer-in-Chief's Branch,
Integrated HQ of MOD (Army),
Kashmir House, Rajaji Marg,
New Delhi-110011.

4. The Chief Engineer,
Headquarters,
Northern Command,
PIN 914698
C/o 56 APO.

...Respondents

(By Advocate : Shri Rajeev Kumar)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (A) :-

Heard both sides.

2. The applicants have filed the instant OA seeking the following reliefs :

- (i) to declare the action of respondents in not giving appointment and posting to the applicants in their parent command as illegal and arbitrary and direct the respondents to post the applicants in their parent command as per the choice stations given by the applicants in their applications submitted for appointment under DCRE Quota.
- (ii) to quash and set aside the order dated 10.02.2015 to the extent the applicants have not been appointed and posted in their parent command.
- (iii) to allow the OA with cost.
- (iv) Pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. The applicants are aggrieved of their posting in a command other than their parent command by submitting that the said action is against to the rules. However, after the OA is filed, the

respondents have issued order dated 26.08.2017, whereunder they have posted the applicants back to their parent command. It is further submitted that one of the applicants expired on 03.11.2016.

4. In the circumstances, the OA is dismissed as having become infructuous. However, the issue raised by the applicants is kept open. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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